

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUBEN EDWARD MORA,
Plaintiff,
v.
O. PETRAS,
Defendant.

Case No. 2:20-cv-00749-KJM-JDP (PC)
ORDER DENYING DEFENDANT'S
MOTION TO SEAL
ECF Nos. 53 & 54

Defendant moves to seal exhibits B, C, and D to the declaration of Deputy Attorney General Norman D. Morrison IV—submitted in support of defendant's pending motion for summary judgment—because they include plaintiff's medical and prison records. ECF No. 54. Defendant filed a similar motion, ECF No. 39, which the court denied because such records are routinely filed on the public docket in Eighth Amendment medical indifference cases. ECF No. 49. The court acknowledged in its order that medical records can be sealed, but found that defendant had not advanced compelling reasons for sealing. *See Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1179-80 (9th Cir. 2006). The court ordered defendant either to renew his motion or to stipulate to filing the records on the public docket.

Defendant now renews his motion, citing the Health Insurance Portability and Accountability Act and plaintiff's privacy as compelling reasons to seal. ECF No. 54. Plaintiff opposes defendant's motion and explicitly states that he does not want his records sealed as they

1 are the basis of his case. ECF No. 55. Given that the defendant's primary argument to seal was
2 plaintiff's own privacy interest, the court will deny defendant's motion. *Cf. Johnsen v. Tambe*,
3 No. 19-141-TSZ-MLP, 2019 WL 4014256, at *2 (W.D. Wash. Aug. 26, 2019) (finding that the
4 "[p]laintiff's privacy interest in his own medical records [is] a sufficiently compelling reason to
5 seal the medical records").

6 Accordingly, it is hereby ORDERED that:

7 1. Defendant's motion to seal documents, ECF Nos. 53 & 54, is denied.

8 2. The Clerk of Court is instructed to file on the public docket exhibits B, C, and D to the
9 declaration of Deputy Attorney General Norman D. Morrison IV.

10 IT IS SO ORDERED.
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12 Dated: January 14, 2022
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15 JEREMY D. PETERSON
16 UNITED STATES MAGISTRATE JUDGE
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